

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Rudy Mazzocchi et al. Attorney Docket: MVA1001USC8

Serial No.: 10/607,328 Group Art Unit: 3734

Filed: June 26, 2003 Examiner: Vy Q. Bui

For: METHOD AND DEVICE FOR FILTERING BODY FLUID

---

**TRANSMITTAL LETTER**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following:

1. Supplemental Information Disclosure Statement (5 pages);
2. Form 1449 listing thirty-seven (37) documents (2 pages); and
3. Copies of the non-U.S. listed documents (17 documents).

Please charge Deposit Account No. 16-2312 in the amount of \$180.00 to cover the fee under 37 C.F.R. § 1.97(c) for the submission of this Supplemental Information Disclosure Statement. It is believed that no additional fees are due in connection with this submission. However if this is incorrect, please charge any additional fees to Deposit Account No. 16-2312.

Respectfully submitted,

Dated: 3/15/07

By Terry L. Wiles

Customer No. 009561

Terry L. Wiles (29,989)

Patrick J. O'Connell (33,984)

POPOVICH, WILES & O'CONNELL, P.A.

650 Third Avenue South, Suite 600

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicants

Applicants: Rudy Mazzocchi et al.

Serial No.: 10/607,328

Minnesota. During the course of the Litigation certain allegations have been made by Boston Scientific that the above-identified patents are invalid or that they were procured through inequitable conduct or fraud. Certain other arguments have been made by the parties to the Litigation regarding the proper construction of certain terms used in the claims of the above-identified patents. Applicants have previously submitted copies of certain documents generated during the course of the Litigation which contain allegations of the types described above. Applicants are submitting herewith copies of additional documents generated during the course of the Litigation. These documents are set forth on the attached PTO-1449 form and also in the chart set forth below. In order to assist the Examiner with a review of these documents the chart identifies pages or portions of the cited documents which set forth arguments as to the proper construction of claim terms used in the above-identified patents. The reference to these pages or portions of the documents is meant only to assist the Examiner in reviewing the documents by providing a sample of relevant portions and is not meant to be a complete or exhaustive list of all portions of these documents which may be material to the prosecution of the present application. Further, the Litigation includes other documents not cited herein such as, for example, depositions of the inventors, depositions of expert witness and reports of expert witnesses. Applicants, unless these documents are designated confidential and the party that has assigned the designation is unwilling to change their designation, will supply any additional Litigation documents that the Examiner desires to review upon the Examiner's request. The public electronic record and some of the documents from the Litigation can be found at the PACER website (<http://pacer.psc.uscourts.gov>, follow the link to the Minnesota District Court and search for case number 05-651).

**CHART**

December 21, 2006 transcript from continued Markman hearing	Pages 39 to 42, and 108 to 131
Boston Scientific's Supplemental power point slides used in December 21, 2006 continued Markman hearing	Pages 2 to 4, 5, 10, and 11

Applicants reserve the right to show, pursuant to 37 C.F.R. § 1.131 or otherwise, that any one or more of the documents cited on the PTO-1449 form is not prior art to the present invention.

Pursuant to the Manual of Patent Examining Procedure, Chapter 609, Applicants request that the Examiner consider each of the listed documents and initial and return to the undersigned a copy of the enclosed PTO-1449 form.

Please charge Deposit Account No. 16-2312 in the amount of \$180.00 to cover the fee under 37 C.F.R. § 1.97(c) for the submission of this Supplemental Information Disclosure Statement. It is believed that no additional fees are due in connection with this submission. However if this is incorrect, please charge any additional fees to Deposit Account No. 16-2312.

Respectfully submitted,

Dated: 3/15/07

By Terry J. Wiles  
Customer No. 009561  
Terry J. Wiles (29,989)  
Patrick J. O'Connell (33,984)  
POPOVICH, WILES & O'CONNELL, P.A.  
650 Third Avenue South, Suite 600  
Minneapolis, MN 55402  
Telephone: (612) 334-8989  
Attorneys for Applicants

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.	SERIAL NO.
		MVA1001USC8	10/607,328
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)		APPLICANTS	
		Rudy Mazzocchi et al.	
		FILING DATE	GROUP
		June 26, 2003	3734

## **U.S. PATENT DOCUMENTS**

EXAMINER INITIALS	DOCUMENT NUMBER						DATE	NAME	CLASSIFICATION	FILING DATE IF APPROPRIATE
/VB/	3	4	7	2	2	3	0	10/14/69	Fogarty	
	4	0	4	6	1	5	0	09/06/77	Schwartz et al.	
	4	5	7	3	9	6	6	03/04/86	Weikl et al.	
	4	7	0	6	6	7	1	11/17/87	Weinrib	
	4	8	1	5	4	7	2	03/28/89	Wise et al.	
	4	8	5	0	3	5	8	07/25/89	Millar	
	4	9	0	1	7	3	1	02/20/90	Millar	
	4	9	2	1	4	7	8	05/01/90	Solano et al.	
	4	9	5	3	5	5	3	09/04/90	Tremulis	
	5	0	5	9	1	7	8	10/22/91	Ya	
	5	1	3	7	5	1	3	08/11/92	McInnes et al.	
	5	1	6	7	2	3	9	12/01/92	Cohen et al.	
	5	2	6	5	6	2	2	11/30/93	Barbere	
	5	2	7	3	0	5	2	12/28/93	Kraus et al.	
	5	3	1	3	9	5	7	05/24/94	Little	
	5	4	2	3	7	4	2	06/13/95	Theron	
	5	4	5	0	8	5	3	19/19/95	Hastings et al.	
↓	5	5	6	9	2	7	5	10/29/96	Kotula et al.	
/VB/	5	7	2	0	7	6	4	02/24/98	Naderlinger	
/VB/	5	9	3	4	2	8	4	08/10/99	Plaia et al.	

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASSIFICATION	TRANSLATION YES	NO
/VB/	DE 3417738 A1	11/14/1985	Germany			X
	DE 3417738 A1 (abstract only)	11/14/1985				
	EP 0 275 230 A2	07/20/1988	EPO			
	EP 0 350 043 A1	01/10/1990	EPO			
	EP 0 533 511 A1	03/24/1993	EPO			
	EP 0 771 549 A2	05/07/1997	EPO			
↓	JP 6190049	07/12/1994	JPO			X
/VB/	WO 93/19803 A1	10/14/1993	WIPO			

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

/VB/		Boston Scientific Corporation's Supplemental Power Point slides used in Continued Markman Hearing (11 pages) (Document No. 1).
		Cragg et al., "A New Percutaneous Vena Cava Filter," <u>AJR</u> :141, pages 601-604 (September 1983) (Document No. 2).
		December 21, 2006 Transcript from continued Markman Hearing (131 pages) (Document No. 3).
		Definition of "guidewire" from Dorland's Illustrated Medical Dictionary (29 <sup>th</sup> Edition) (Document No. 4).
		Fadali et al., A Filtering Device for the Prevention of Particulate Embolization During the Course of Cardiac Surgery. <u>Surgery</u> , 64(3):634-639 (September 1988) (Document No. 5).
		Kadir, Diagnostic Angiography, Chapter 2 Materials for Catheterization, pages 10-15 (1986) (Document No. 6).
		Marache et al., "Percutaneous Transluminal Venous Angioplasty in Occlusive Iliac Vein Thrombosis Resistant to Thrombolysis," <u>American Heart Journal</u> , Volume 125, Number 2, Part 1, pages 362-366 (February 1993) (Document No. 7).
		Theron et al., "New Triple Coaxial Catheter System for Carotid Angioplasty with Cerebral Protection," <u>AJNR</u> :11, pages 869-874 (September/October 1990) (Document No. 8).
/VB/		White, A Color Atlas of Endovascular Surgery: Interventional Techniques in Vascular Disease; Chapter 3 Intraluminal Access Techniques, pages 26-27 (1990) (Document No. 9).

EXAMINER

/VY Bui/

DATE CONSIDERED

02/13/2008

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.  
 Include copy of this form with next communication to applicant.